

SM EXHIBIT H

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -
5 ADRIAN SCHOOLCRAFT,
6 Plaintiff,
7 -against- Index No.
10CIV-6005 (RWS)

8
9 THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220,
Individually and in his Official
10 Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
11 Tax Id. 912370, Individually and in his
Official Capacity, DEPUTY INSPECTOR
12 STEVEN MAURIELLO, Tax Id. 895117,
Individually and in his Official
13 Capacity, CAPTAIN THEODORE LAUTERBORN,
Tax Id. 897840, Individually and in his
14 Official Capacity, LIEUTENANT JOSEPH
GOFF, Tax Id. 894025, Individually and
15 in his Official Capacity, stg. Frederick
Sawyer, Shield No. 2576, Individually
16 and in his Official Capacity, SERGEANT
KURT DUNCAN, Shield No. 2483,
17 Individually and in his Official
Capacity, LIEUTENANT TIMOTHY CAUGHEY,
18 Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL
19 JAMES, Shield No. 3004, and P.O.'s "JOHN
DOE" 1-50, Individually and in their
20 Official Capacity (the name John Doe
being fictitious, as the true names are
21 presently unknown) (collectively referred
to as "NYPD defendants"), JAMAICA
22 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,
Individually and in his Official
23 Capacity, DR. LILIAN ALDANA-BERNIER,
Individually and in her Official Capacity
24 and JAMAICA HOSPITAL MEDICAL CENTER
EMPLOYEES "JOHN DOE" # 1-50, Individually

25 (Continued)

1
2 and in their Official Capacity (the name
3 John Doe being fictitious, as the true
4 names are presently unknown),

5
6 Defendants.

- - - - -x

6
7 444 Madison Avenue
8 New York, New York
9 December 20, 2013
10 10:16 a.m.

11 VIDEOTAPED DEPOSITION of DEPUTY
12 INSPECTOR STEVEN MAURIELLO, one of the
13 Defendants in the above-entitled action,
14 held at the above time and place, taken
15 before Margaret Scully-Ayers, a Shorthand
16 Reporter and Notary Public of the State
17 of New York, pursuant to the Federal
18 Rules of Civil Procedure.

19 * * *

1 S. MAURIELLO

2 MR. SMITH: For the record this
3 a one-page letter, October 28, 2008,
4 Bates-stamped D819.

5 Q. Is this the letter of reprimand
6 you were just referring to, Inspector?

7 MR. LEE: Objection to form.
8 It's a letter of instruction.

9 THE WITNESS: Letter of
10 instruction, not a reprimand.

11 Q. I wasn't trying to characterize
12 it. That's what it says, "Re: Letter of
13 reprimand, letter of instruction."

14 It's the same thing, right?

15 MS. PUBLICKER METTHAM:
16 Objection.

17 A. Yes. I add that I was promoted
18 three days after this letter. I was
19 promoted October 31st, 2008.

20 Q. So this letter didn't
21 negatively impact your career, right?

22 A. I don't know if we're allowed
23 to talk about the case.

24 THE WITNESS: Are we allowed to
25 talk about the case?

1 S. MAURIELLO

2 MR. KRETZ: Answer his question
3 if you can. If you can't, tell him.

4 A. I believe it did. A letter of
5 reprimand or instruction in my file so I
6 was promoted for my hard work and the
7 precinct's hard work.

8 Q. This was a promotion to CO of
9 the eight one, right?

10 A. No, I was already CO of the
11 eight one.

12 Q. What was the promotion that you
13 got?

14 A. Deputy inspector.

15 Q. When did you receive that
16 promotion?

17 A. October 31st, 2008.

18 Q. According to this letter of
19 instruction or letter of reprimand, you
20 contacted CCRB investigators about an
21 allegation by a complainant.

22 Do you see that reference
23 there?

24 A. Yes, I can explain the whole
25 thing if you want.

1 S. MAURIELLO

2 Q. Is that true that you
3 telephoned them?

4 A. I returned their phone call,
5 yes.

6 Q. Can you explain it to me?

7 A. Well, I had nothing to do with
8 the case. It was an allegation I guess
9 discourtesy to one of my officers, two
10 officers that made an arrest.

11 They brought the person inside
12 the precinct. The person under arrest
13 was African American. The two officers
14 that made the arrest were African
15 American. The desk officer was African
16 American.

17 Supposedly there was a
18 discourtesy one of the officers said
19 something, discourtesy that was witnessed
20 by everybody. I was there.

21 The mother ends up called the
22 TS to switch to me and I didn't know.
23 And I talked to her. I guess she was on
24 the job. She is not on the job anymore,
25 a civilian. That was it. I returned --

1 S. MAURIELLO

2 the investigator left three calls on
3 my -- 'cause I was a witness I guess. I
4 talked to her. She was in South Carolina
5 at the time. She had nothing to do with
6 it.

7 He left three messages with my
8 secretary, and I called back the guy. I
9 got his answering machine, if you are
10 calling about this case, this is what I
11 was told happened. That's all I said. I
12 didn't have any interaction with the
13 civilian complainant.

14 I guess he thought it was
15 inappropriate for me to put that on the
16 tape. I wasn't trying to be
17 inappropriate.

18 Q. The statement in the last
19 sentence, quote, additionally during one
20 phone call, you left a voice message on
21 an answer machine questioning the
22 veracity of the CCRB investigators's
23 contact with the complainant, that is
24 inaccurate?

25 A. All I left on the tape was that

1 S. MAURIELLO

2 this is what happened and that is it. I
3 wasn't the subject of the CCRB. I had
4 nothing to do with the CCRB.

5 Q. I understand that.

6 Is the statement here that you
7 left a voice message questioning the
8 veracity of the CCRB investigator's
9 contact, is that an accurate statement?

10 A. I guess it's an accurate
11 statement.

12 Q. It is an accurate statement?

13 A. I don't know about the
14 veracity, but, yes.

15 Q. That is the nature of the
16 concern you were leaving a message, a
17 voice message, questioning the veracity
18 of the CCRB investigator's contact with
19 the complainant.

20 What I want to know is whether
21 that is true: You did leave a message
22 questioning that behavior?

23 A. I didn't question the CCRB
24 investigator's behavior. I just left a
25 message this is what I was told, that was

1 S. MAURIELLO

2 it, nothing to do with me. I guess the
3 CCRB investigator maybe thought I was
4 trying to, you know, prove the cops were
5 innocent. I don't know.

6 I take fault there was a
7 misunderstanding, a miscommunication. I
8 don't think there was anything
9 intentional or anything -- there was
10 nothing harsh by me to the investigator.

11 Q. The last paragraph "You are
12 directed to meet with the commanding
13 officer control borough Brooklyn North to
14 discuss this letter. Did you do that?

15 A. Yes, I did.

16 Q. Who did you speak with?

17 A. Chief Nelson.

18 Q. Am I correct that you told me
19 you never received any other form of
20 disciplinary action against you, right?

21 A. No. I think I had two CCRBs
22 about it in my whole career and no
23 discipline. That was it. I never got
24 command discipline my whole career up to
25 these charges.